

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
CATHERINE GORDON, et al.,

v.
KALEIDA HEALTH, et al.,

Plaintiffs,

Defendants.

NOTICE OF MOTION

Civil Action
No. 08-CV-0378 (WMS)

MOTION BY:

Plaintiffs.

RELIEF REQUESTED:

An order compelling defendants to engage in meaningful meet and confer discussions regarding an ESI protocol with both parties' respective ESI experts/consultants; and an order that if the parties are unable to agree upon an ESI protocol by a deadline set by the Court, that each side submit its own proposed ESI protocol to the Court for a ruling as to which protocol should be adopted in this case.

BASIS FOR RELIEF REQUESTED:

Federal Rule of Civil Procedure 26 and applicable case law.

SUPPORTING PAPERS:

Memorandum of Law in Support of Motion to Compel, Affirmation of Sarah E. Cressman with Exhibits.

PLACE:

United States District Court
Western District of New York
2 Niagara Square
Buffalo, New York 14202

DATE AND TIME:

To be determined by the Court

REPLY PAPERS:

Pursuant to Local Rule 7.1(c), plaintiffs intend to file and serve reply papers.

Dated: October 5, 2012

THOMAS & SOLOMON LLP

By:

s/ Sarah E. Cressman

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